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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/915,530	07/27/2001	Cyril Hue	Q64889	9543

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EXAMINER

PYZOCHA, MICHAEL J

ART UNIT	PAPER NUMBER
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2137

DATE MAILED: 06/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/915,530

Applicant(s)

HUE ET AL

Examiner

Michael Pyzocha

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. Claims 1-12 are pending.
2. Amendment filed 03/14/2005 has been received and considered.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 4-5, 8-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Schiffer (US 6871063).

As per claim 1, Schiffer discloses a method for performing a short-range wireless transaction between an hybrid wireless terminal and a service terminal, said hybrid terminal being able to communicate over a first interface with a radio communication network and over a second interface for short-range wireless access with said service terminal, said hybrid wireless terminal comprising a user authentication information for authenticating

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a user in said radio communication network, said method comprising: transmitting over said second interface a message to said service terminal comprising said user authentication information; authenticating said user at said service terminal by checking said received user authentication information against an authentication database; and enabling said transaction if said user authentication has been successful (see figures 1 and 2; column 3 lines 23-56; column 4 lines 10-59).

As per claim 4, Schiffer discloses said interface for short-range access at said hybrid wireless terminal and at said service terminal are compliant with the Bluetooth standard (see column 3 lines 45-55).

As per claim 5, Schiffer discloses said user authentication information is part of a Subscriber Identity Module card (see column 3 lines 23-38).

As per claim 8, Schiffer discloses a wireless terminal comprising a first part for communicating with a radio communication network and a second part for communicating with a service terminal over a short-range wireless interface, said first part comprising a user authentication module for authenticating a user in said radio communication network, said second part having access to said user authentication module and transmitting at least an user authentication information

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contained in said user authentication module over said short-range wireless access interface to said service terminal for authenticating said user in said service terminal (see figures 1 and 2; column 3 lines 23-56; column 4 lines 10-59).

As per claim 9, Schiffer discloses performing encryption of said user authentication information according to a predefined encryption algorithm before transmitting said user authentication information over said short-range wireless interface (see column 4 lines 24-37).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 2-3 and 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schiffer as applied to claim 1 above, and further in view of Lemiläinen et al (US 6766160).

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As per claim 2, Schiffer fails to disclose said authentication database is shared by said service terminal and said radio communication network.

However, Lemiläinen et al teaches such an authentication database (see Figure 1 #38 and column 2 line 54 through column 3 lines 10).

At the time of the invention it would have been obvious to a person of ordinary skill in the art for Schiffer's database to be a shared database as in Lemiläinen et al.

Motivation to do so would have been to allow the authentication information to be accessible for authentication (see Lemiläinen et al column 3 lines 1-10).

As per claim 3, the modified Schiffer and Lemiläinen et al system discloses said authentication database is the Home Location Register of said radio communication network (see column 2 line 54 through column 3 lines 10).

As per claim 6, the modified Schiffer and Lemiläinen et al system discloses a service terminal adapted to perform a transaction over a short-range wireless interface, comprising: means for receiving a user authentication information from a wireless terminal, said user authentication information being dedicated to authenticate a user in a radio communication network; and an authentication module for authenticating said

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user at said service terminal by checking said received user authentication information against an authentication database of said radio communication network, said authentication module enabling said transaction if said authentication has been successful (see Schiffer figures 1 and 2; column 3 lines 23-56; column 4 lines 10-59 with the shared database of Lemiläinen et al).

As per claim 7, the modified Schiffer and Lemiläinen et al system discloses comprising decryption means for decrypting said received user authentication information according to a predefined decryption algorithm (see Schiffer column 4 lines 38-52).

7. Claims 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schiffer alone and in combination with Lemiläinen et al as applied to claims 1, 6 and 8 above, and further in view of Wang (US 6175922).

As per claims 10-12, Schiffer alone and in combination with Lemiläinen et al fails to disclose the authentication information is input by the user.

However, Wang teaches authentication information input by the user (see column 16 lines 20-34).

At the time of the invention it would have been obvious to a person of ordinary skill in the art for the authentication

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information of Schiffer alone and in combination with Lemiläinen et al to be input by the user, as in Wang.

Motivation to do so would have been for improved fraud detection (see Wang column 16 lines 20-34).

Response to Arguments

8. Applicant's arguments with respect to claims 1-9 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bell (US 6600902) teaches Bluetooth authentication.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Pyzocha whose telephone number is (571) 272-3875. The examiner can normally be reached on 7:00am - 4:30pm first Fridays of the bi-week off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571) 272-3868. The fax phone number for the

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organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MJP



**ANDREW CALDWELL
SUPERVISORY PATENT EXAMINER**